

Docket No.: 22727-117

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)

: Yandong Jiang

Application No.

10/711,886

Filed

: October 12, 2004

Title

METHODS AND DEVICES FOR

MAINTAINING AN OPEN AIRWAY

Group Art Unit: 3743

Examiner: Not Yet Assigned

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelop addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

December 30, 2004

By:

Date of Signature and Mail Deposit

Lisa J. Michaud, Reg. No: 44,238

Attorney for Applicant(s)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. Copies of any foreign references and non-patent literature are enclosed herewith.

It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists, and in accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)), and thus no fees are believed to be due. The Director is hereby authorized to charge any deficiency in the fees filed,

Application No.: 10/711,886 Filing Date: October 12, 2004 Docket No.: 22727-117

asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 22727-117.

Respectfully submitted,

Date: December 30, 2004

Lisa J. Michaud, Reg. No. 44,238 Attorney for Applicant(s)

Nutter, McClennen & Fish, LLP World Trade Center West 155 Seaport Boulevard Boston, MA 02210

Tel: (617)439-2550 Fax: (617)310-9550

1323043.1

Substitute for form 1449A/B/PTO

PTO/SB/08a/b (08-03) Approved for use through 07/31/2006. OMB 0551-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

1 2 Sheet of

Complete if Known				
Application Number	10/711,886, Conf. #5885			
Filing Date	October 12, 2004			
First Named Inventor	Yandong Jiang			
Art Unit	3743			
Examiner Name	Not Yet Assigned			
Attorney Docket Number	022727-0105			

U.S. PATENT DOCUMENTS						
Examiner Cit		Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where	
Initials*	No.	Number-Kind Code ² (if known)	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevan Figures Appear	
		2003/0167018	09-04-2003	Wyckoff		
		4,304,227	12-08-1981	Samelson		
		4,676,240	06-30-1987	Gardy		
		5,269,296	12-14-1993	Landis		
		5,373,859	12-20-1994	Forney		
		5,884,625	03-23-1999	Hart		
		5,957,133	09-28-1999	Hart		
•		6,183,423	02-06-2001	Gaumond et al.		
		6,212,435	04-03-2001	Lattner et al.		
		6,379,311	04-30-2002	Gaumond et al.		
		6,618,627	09-09-2003	Lattner et al.		
		6,668,821	12-30-2003	Christopher		
		5,653,229	08-05-1997	Greenberg		
		6,079,409	06-27-2000	Brain		
		4,995,388	02-26-1991	Brain		
		2004/0060564	04-01-2004	Brain		
		6,070,581	06-06-2000	Augustine et al.		

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
	ВА	WO 03/075739	09-18-2003	Wyckoff			
						-	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Examiner	Date	
Signature	Considered	

PTO/SB/08a/b (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Sut	Substitute for form 1449A/B/PTO		Complete if Known		
				Application Number	10/711,886, Conf. #5885
II.	NFORMATION	N DI	SCLOSURE	Filing Date	October 12, 2004
S	STATEMENT BY APPLICANT (Use as many sheets as necessary)			First Named Inventor	Yandong Jiang
				Art Unit	3743
				Examiner Name	Not Yet Assigned
Sheet	2	022	2	Attorney Docket Number	022727-0105

		NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No.1						
		P.J. KAHRILAS et al., "Effect of Sleep, Spontaneous Gastroesophageal Reflux, and a Meal on Upper Esophageal Sphincter Pressure in Normal Human Volunteers," Gastroenterology, Vol. 93, pg. 466-471 (January 1987).					
		H. GASTAUT, "Polygraphic Study of the Episodic Diurnal and Nocturnal (hypnic and respiratory) Manifestations of the Pickwick Syndrome," Brain Research, 2, pg. 167-186 (1966).					
		J.E. REMMERS et al., "Pathogenesis of Upper Airway Occlusion During Sleep," J. Appl. Physiology, 44(6) pg. 290-293 (1978).					
		A.H. GOROLL et al., "Primary Care Medicine: Office Evaluation and Management of the Adult Patient," 4 th ed., pg. 290-293, (2000).					
		W. ORR et al., "Effect of Sleep on Swallowing, Esophageal Peristalsis, and Acid Clearance," Gastroenterology, Vol. 86, pg. 814-819 (1986).					
		R. WALSH et al., "Upper Airway Obstruction in Obese Patients with Sleep Disturbance and Somnolence," Annals of Internal Medicine, Vol. 76, pg. 185-192, (1972).					
·		D. HUDGEL, "Variable Site of Airway Narrowing Among Obstructive Sleep Apnea Patients," J. Appl. Physiology, Vol. 61(4), pg. 1403-1409 (1986).					
		D.L. MORRISON, "Pharyngeal Narrowing and Closing Pressures in Patients with Obstructive Sleep Apnea," Am Rev Respir Dis, Vol. 148, pp.606-611 (1993)					
		G. DON, "Site and Mechanics of Spontaneous, Sleep-Associated Obstructive Apnea in Infants," Journal of Applied Physiology, Volume 89, Issue 6, pp. 2453-2462 (2000).					

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1323042.1

Examiner	Date	
Signature	Considered	

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.